

EXHIBIT 9

COPY

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
3 -----x
4 SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB, BLERTA
VIKKI, DANIELLE OWIMRIN, SUSAN LEVIN, on behalf
of themselves and others similarly situated,

5 Plaintiffs,

6 -against-

7 SCORES HOLDING COMPANY, INC.; GO WEST
ENTERTAINMENT, INC. a/k/a SCORES WEST SIDE;
8 SCORES ENTERTAINMENT, INC., a/k/a SCORES EAST
SIDE; ENTERTAINMENT MANAGEMENT SERVICES, INC.;
9 and EAST 60th STREET, INC. a/k/a SCORES EAST
SIDE,

10 Defendants.

11 CIVIL ACTION NO.: 07 Civ. 8718 (RMB)

12 -----x

13 200 Park Avenue
New York, New York

15 April 3, 2008
16 12:45 p.m.

17 DEPOSITION of SIRI DIAZ, one of the
18 Plaintiffs herein, pursuant to Notice, before
19 Ronald A. Marx, a Notary Public of the State of
20 New York.

21

22

23 ELLEN GRAUER COURT REPORTING CO. LLC
126 East 56th Street, Fifth Floor
24 New York, New York 10022
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1 DIAZ
2 Q How many different kinds of stockings
3 do you think you bought?

4 A I don't remember.

5 Q Could you choose the kind of
6 stockings, fishnets, regular, whatever, that you
7 could wear there?

8 A I suppose so.

9 Q How did you obtain the boots?

10 A I already had them.

11 Q What kind of boots were they?

12 A Just regular knee-highs, winter
13 boots.

14 Q I didn't hear.

15 A Winter boots.

16 Q What color were they?

17 A Black.

18 Q How long had you had the boots before
19 you started working at Scores West Side?

20 A I don't know. I'm not sure. Maybe a
21 year.

22 Q Do you still have the boots?

23 A Yes.

24 Q Do you still wear the boots?

25 A Sporadically.

1 DIAZ

2 A Magdy.

3 Q Magdy. Did you have to pay Magdy or
4 pay anybody?

5 A I'm not sure if I paid.

6 Q Did all the bartenders -- withdrawn.

7 Were all the bartenders female?

8 A Yes.

9 Q Did all the bartenders wear a similar
10 corset and skirt to the one that you wore?

11 A Yes.

12 Q Did you wear your work outfit to
13 work, or did you change at Scores West Side?

14 A I changed at Scores.

15 Q Did all of the bartenders change, or
16 did some of them come to work in their work
17 outfit?

18 A To my knowledge all of them changed.

19 Q Did the waitresses wear similar work
20 outfits?

21 A Yes.

22 Q How many waitresses were there, do
23 you think?

24 A Up to 20, I believe. There was a
25 lot.

1 DIAZ

2 A No.

3 Q Did you serve food at the bar as
4 well?

5 A Occasionally.

Q Could a customer pay for food with
diamond dollars?

8 A No.

9 Q Was a customer supposed to tip you
10 with diamond dollars?

11 A If they chose to.

12 Q Were you often tipped in diamond
13 dollars?

14 A Pretty frequently, yes.

15 Q Every time you worked were you tipped
16 in diamond dollars?

17 A I wouldn't say every time.

18 | Sometimes.

19 Q Do you think it happened on more than
20 five occasions?

21 A Yes.

22 Q What's the largest tip you ever
23 received in diamond dollars?

A That I can remember, it was 80.

25 Q And the lowest tip you would have

1 DIAZ

2 dollars?

3 A No.

4 Q Did you cash all your diamond dollars
5 in?

6 A I think I did.

7 Q The tip box for bartenders, lock box,
8 was that used by you and the other bartenders
9 working in the main bar?

10 A The two of us, yes.

11 Q And the bartender at the restaurant
12 bar would not have been using that lock box,
13 correct?

14 A No.

15 THE WITNESS: Can I run to the
16 bathroom again?

17 MR. SIGDA: Yes. Of course.

18 THE WITNESS: Thank you.

19 (Recess taken)

20 CONTINUED DIRECT EXAMINATION BY MR. SIDGA:

21 Q I'm going to show you a pay stub, but
22 before I go there, going to the diamond dollars,
23 I take it you cashed in all your diamond dollars
24 that you had received?

25 A I think so, yes.

1 DIAZ

2 your pay check?

3 A When they were starting to put the
4 credit card tips on the credit -- on the pay
5 stubs. For the most part we all did.

Q What kind of questions did you have?

7 A I'm never really sure if I asked
8 anyone. So -- I don't really remember the
9 situation. I remember -- well, for -- sometimes
10 I went to see why my check was zero.

11 Q Sometimes you went to see what?

12 A Why my check said zero if I had
13 credit card tips.

14 Q Who did you speak to about that?

15 A I don't remember who I spoke to, but
16 it might have been Tony, and I was told that it
17 was going towards taxes.

18 Q Okay. Do you recall if you asked
19 anybody else any questions about your pay check
20 or pay stub?

21 A NO.

22 Q Besides the time that you mentioned
23 earlier in which you received a thousand dollars
24 in your pay check, was there ever a time when
25 you brought to a manager's attention that the

1 DIAZ

2 check was in error, that the check was
3 incorrect?

4 A I may have when they first started
5 doing the credit card tips.

6 Q What do you recall about that?

7 A Well, again, questioning why it was
8 zero when I had -- I had credit card tips.

9 Q Did you ever ask anybody in
10 management or say to somebody in management that
11 they credited you with the wrong hours?

12 A No.

13 Q Did you ever ask anybody in
14 management or say to anybody in management that
15 the amount of the pay check was incorrect?

16 A That's the time that it was a
17 thousand dollars.

18 Q Other than that time.

19 A Again, when I had credit card tip
20 money and they said zero.

21 MR. SIGDA: Let's mark this as
22 Diaz Number 7.

23 (Diaz Exhibit 7, pay stub, was
24 marked for identification, as of this
25 date.)

1 DIAZ

2 Q Do you have any idea how they run
3 Scores East Side?

4 A No.

5 Q Have you been in contact with anybody
6 or -- withdrawn.

7 A Can I clarify something?

8 Q Hold on. You said you wanted to
9 clarify something?

10 A I don't remember if I sent a MySpace
11 message.

12 Q I'm sorry?

13 A I don't remember if I might have sent
14 a MySpace message to Brianna, who used to work
15 there, to see how she was doing.

16 Q I'm sorry. I didn't hear you.

17 A I may have sent a MySpace message, so
18 I guess that's a form of an e-mail, to Brianna
19 to see how she was doing, because she moved.

20 Q Who is Brianna?

21 A She's used to be a bartender there.

22 MR. SIGDA: Off the record.

23 (Discussion off the record.)

24 Q What is a MySpace message?

25 A It's --